

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|---------------------------|---|--------------------------|
| KDCO, INC., et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | Case No. 4:16 CV 930 RWS |
| |) | |
| HEALTHLINK, INC., et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

On July 29, 2016, I set this case for a telephone status conference because the parties kept improperly contacting my chambers by telephone in an attempt to force immediate rulings on pending motions. I have now reviewed this case and the pending motions and find that a telephone conference is unnecessary. Despite the parties' flurry of briefing activity and constant barrage of telephone calls to my chambers, this is a straight-forward case with a straight-forward motion for remand pending. Are the plaintiffs suing for a breach of their network provider contracts? If so, then this case is clearly not governed by ERISA, was improvidently removed, and will be remanded in short order. Or are the plaintiffs seeking to recover benefits as assignees of patients covered by an ERISA plan? If so, then this case is clearly governed by ERISA, was properly removed, and will remain here. These issues are not difficult, and there is nothing urgent or unduly complex

about this case. For this reason, the Court will enter the following briefing schedule for the motion for remand, and it expects the parties to comply with its deadlines **without contacting my chambers. It should go without saying, but the parties should not be contacting my chambers by telephone anymore unless such action is requested by the Court.** Finally, after reviewing the allegations in the petition, it appears that a discretionary transfer to the Southeastern Division of the Eastern District of Missouri may be appropriate as the healthcare services at issue here were provided in that district.

Accordingly,

IT IS HEREBY ORDERED that any opposition to the motion for remand [54] shall be filed by no later than **August 19, 2016**, and any reply brief in support of such motion shall be filed by no later than **August 31, 2016**. As stated before, **all briefs must comply with the page limitations set out in this Court's local rules. No further extensions of time on the motion for remand will be granted.**

IT IS FURTHER ORDERED that plaintiffs will not be required to file any opposition to the pending motions to dismiss until the Court issues its ruling on the pending motion for remand.

IT IS FURTHER ORDERED that **the telephone conference scheduled for August 2, 2016, is cancelled, and the parties are not required to file a joint**

briefing schedule as required by my July 29, 2016 Order. The parties should not contact my chambers by telephone unless specifically ordered to do so by this Court.

IT IS FURTHER ORDERED that any party objecting to a discretionary, interdivisional transfer of this case to the Southeastern Division shall show cause by August 5, 2016, why this case should not be reassigned or this case shall be reassigned to the Southeastern Division with the consent of all parties.

IT IS FURTHER ORDERED that the following motions for extensions of time are denied as moot: [61] and [63].

IT IS FURTHER ORDERED that the following motions for extensions of time are granted: [59], [60], and [62].



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 1st day of August, 2016.